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HYDRO-ELECTRIC INQUIRY COMMISSION

REPORT

ON

SANDWICH, WINDSOR AND AMERSTBURG RAILWAY AND

WINDSOR AND TECUMSEH ELECTRIC RAILWAY

W. D. GREGORY, CHAIRMAN M. J. HANEY LLOYD HARRIS J. ALLAN ROSS R. A. ROSS

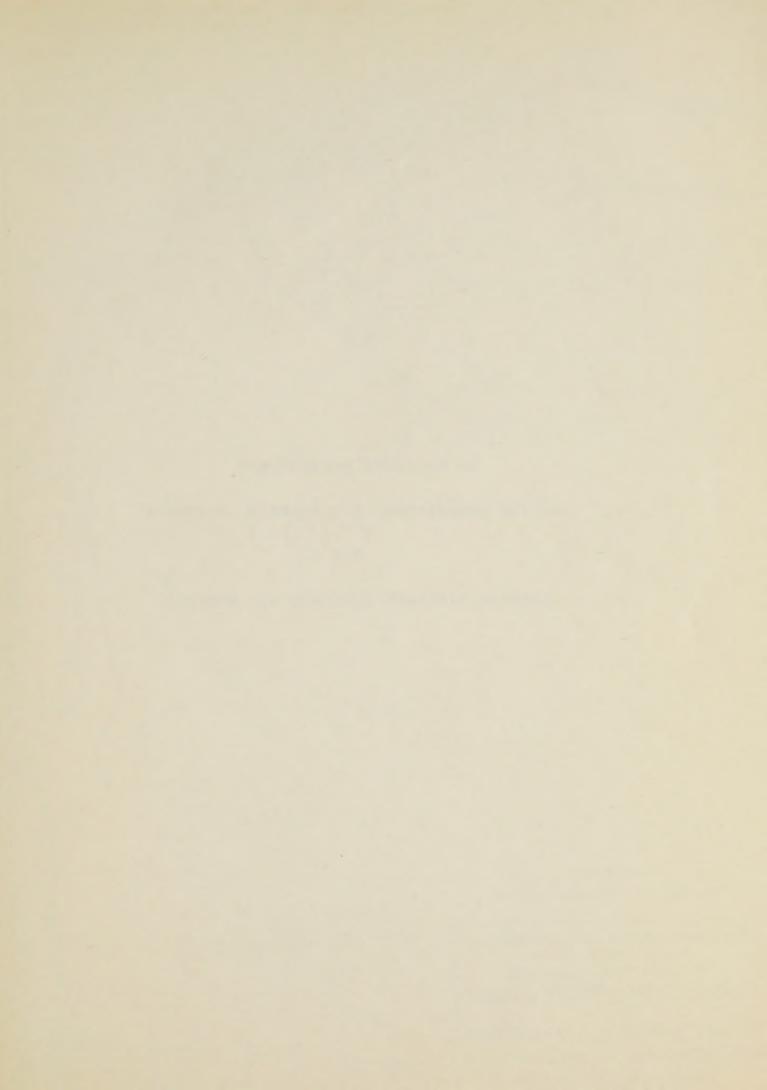
COMMISSIONERS

JOSEPH H. W. BOWER SECRETARY

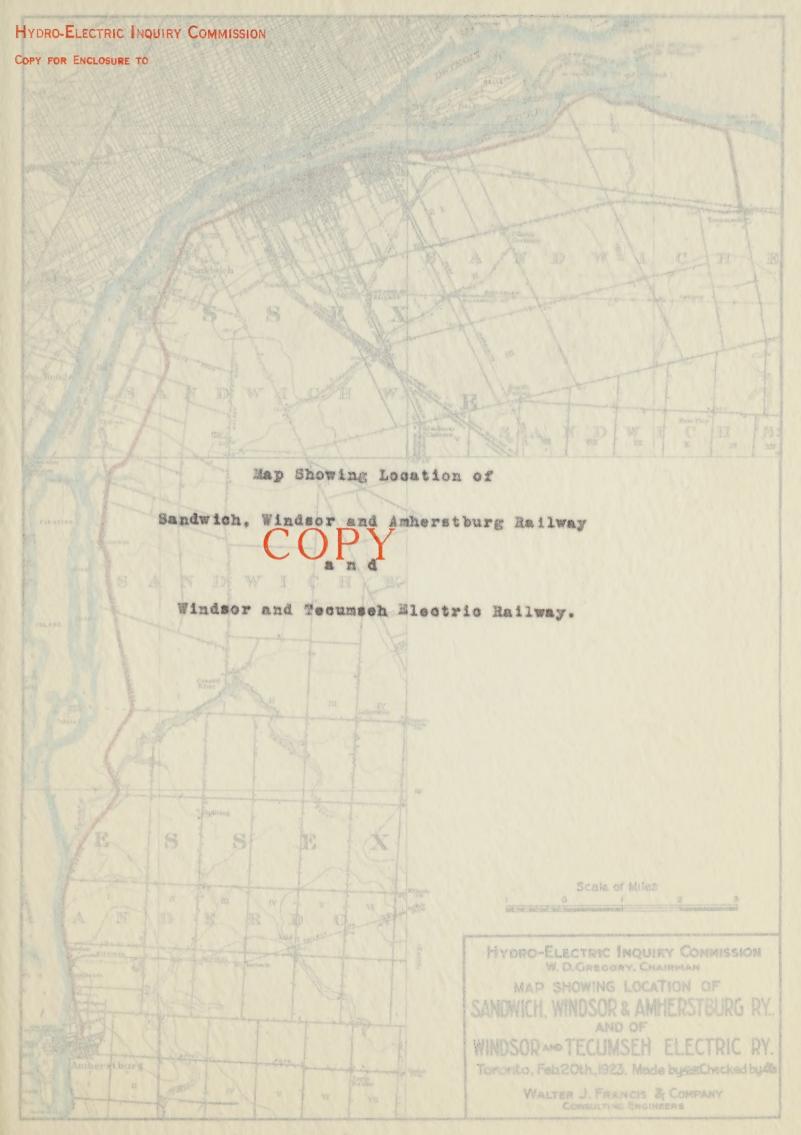








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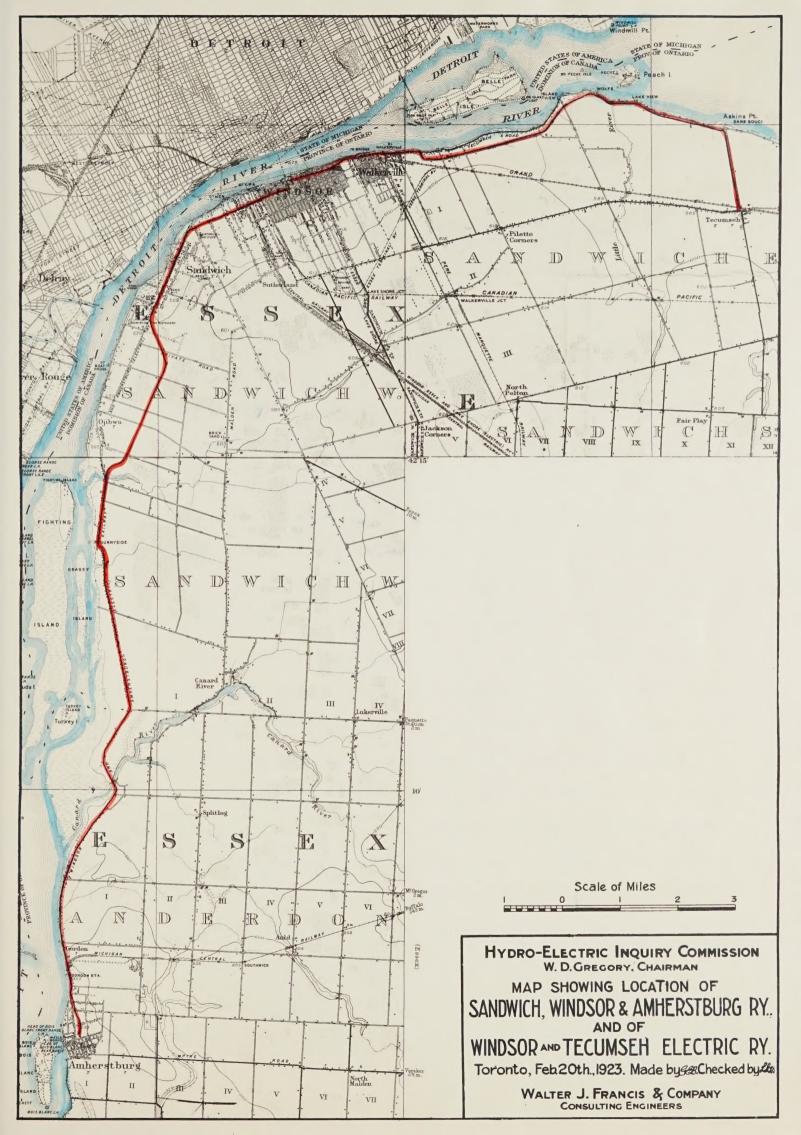
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Sandwich, Sindsor and Amberethurg Pailway COPY

Vindsor and Technica Electric Reliver.





To His Henour Henry Cockshutt.

Lieutemant-Governor of the Province of Ontario.

Hay it Please Your Honour:- :

In pursuance of the directions contained in the Boyal Commission directed to us to enquire into, consider and report upon all matters of expenditures and administration by the Mydro-Electric Power Commission of Ontario, (hereinafter onlied "the Commission"), we have heard evidence and examined all documents, records, agreements, by-laws and statutes relating to the business and affairs of bandwich. Windsor and inherstburg Bailway and Tindsor and Teouseh Electric Bailway and the acquisition thereof by the Commission on behalf of the Municipal Corporations of the Township of Sandwich East, the Township of Sandwich best, the Your of Ford City, the Town of Valkerville, the Town of Sandwich, the Town of Olivay, the Town of Amherstburg and the City of Windsor, and respectfully submit this Report thereon. Wit our Report to you we submit the report made to us by our Accountants, Mesers. Price, Waterhouse & Co., which covers the operations of the Commission in respect of the two railways down to September 30th, 1922. This report contains information on the finances of the undertaking that should be of much value to the municipalities directly interested.

The map prefacing this Report indicates the location of the two lines of railway and the localities served thereby.

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The two lines were nominally owned respectively by two distinct incorporated companies, all the shares of the on pital stock of both of which companies were owned by Detroit United Railway.

From 1913 there appears to have been a strong feeling amongst the ratepayers of the municipalities mentioned that these railways, as operated under private ownership, were not giving adequate service and that a change to municipal ownership was expedient and desirable.

Then the Eldrocapial Railway act became law, in 1914, the Council of the Sunfaipal Corporation of the City of Sindsor passed a resolution requesting the Commission to prepare estimates and a report on the construction of an electric railway from Gjibway through Windsor and Balkerville to Salle River. Further resolutions to the same effect were passed in 1915 by the Windsor City Council and the Councils of the other municipalities interested in and served by the two lines of railway before mentioned.

The apparent object the municipalities had first in view was the construction of a line of railway duplicating and in opposition to the existing lines. At the suggestion of the Commission attention was diverted from this object and directed towards the acquisition of the existing lines.

The refusal or neglect of Detroit United Railway, controlling the two railway companies, to provide extensions

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of the lines deemed accessery to meet the requirements of the growing municipalities interested, was in addition to what was considered poor service an apparently determining factor in creating a desire and demand for a change in ownership.

In 1917 certain definite extensions to the bandwich. Windsor and Amherstburg Railway were requested by the municipalities. The Amilway Josephny refused to make these extensions unless ten years were added to the period of its franchise, but offered to compromise and agree that the extended franchise might be terminated by the municipalities at any time upon Corporate. This was refused by the municipalities.

to the interio Soverment to ascertain the ways and means by which the municipalities could take over these railways on the expiration of existing franchises and operate the system themselves. The departation was directed to confer with the Commission, which it did, and requested the Commission to submit a report upon the radial railway situation in the Lorder municipalities. The engineers of the Commission thereupon proceeded to inspect and place values on the existing railways and to prepare an estimate of the cost of the desired extensions. The local manager of the system, however, refused to permit a valuation to be made until the Detroit United Railway had definitely determined whether or not it would sell. There being, therefore, no opportunity to make a complete examination, no report was then submitted

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by the Commission.

The municipalities continued to press the Commission to take action towards meeting their desire to remove what they regarded as the incubus of private evacrship. In May. 1910, representatives of the nine municipalities interested passed a joint resolution, and aubsequently each of the Junicipal Councils adopted a separate resolution, requesting the Jonnissian to take over and operate the railways on behalf of the municipalities. At this time the employees of the rallways were on strike and demanding increases in wases. The Railway Company took Did ground that it could grant no increase of wages unless it was allowed to increase fares. (which were them on the basis of six tickets for twentyfive cents), to a straight five-cent rate. & by-law, authorizing the desired increase in fares, was submitted to the ratepayers and a vigorous campaigs against its passage was conducted. Sir Adam Book took part in this campaign and in his addresses stated that if the increase in fares was approved by the rategayers the increased return to the nailway Company would be capitalized and a larger price demanded by the Conpany when negotiating for a sale of the railways to the Commission for the municipalities. The by-law was defeated. At this time the Outario Railway Board operated the system for a period of about two weeks, during which time the wages of employees were increased and the strike ended. After operation by the Railway Board ceased, opera-

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tion by the Company was resumed.

RAILWAY VIEW OF THE SITUATION.

Mr. J. A. Anderson, former manager of the two railways for Detroit United Railway, when testifying before us at Windsor, gave his view of the situation at that time. He said:

> "There were parts of it (the railway) that required a good deal of renewing and we were only too glad to renew the tracks, if they would allow it. We wanted to double track and they (the municipalities) would not give their consent.... In 1914 the people were clamoring for better service and we were so anxious to relieve conditions that we effered to put a loop around Ferry Ivense, and we started to rut
> it in and we see beken to Court. We finally
> lost the day and had to tear the tracks up, on the ground that we had not asked the lallway Soard for their consent. The Railway Foard gave their consent but that would not do. Le were held up and embarrassed in that way at the instigntion of some parties. The Mayor at that time. Mr. Typon, and afterwards Mayor Winter, told me they would not give us permission to do anything. I asked them the reason and they told me Bir Adam Book told them they should not let us do anything. They were simply decaing us out of the business I went to our people and I said. There is no use in worrying along in this way, get your money out of this road. They were not anxious to sell, but they thought the matter over and they said, 'We are held up, we are not allowed to do anything, there seems to be a desire to put us out of business; our investment is about 11,860,000. and they asked me what they should get. and I said, 'Set your money out.' They took my advice and I told Mayor Slave Tinter and ir. England that I thought they could purchase the road They were in such a hurry to take the road over that in two or three days they went off to Toronto and then negotiations started."

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VALUATION MADE AND PURCHASE RECOMMENDED.

A valuation of the assets and properties of the Railway Companies was made by the engineers of the Commiscion, the Detroit United Railway giving all desired assistance in this. Negotiations for purchase of the undertakings were conducted for the most part verbally by wir idam book on behalf of the municipalities with the Vice-President of Jetroit United Railway, and extended over a period of about three months and resulted in Detroit United Railway agreeing to accept (2.039.000.00, payable in 41% forty-year bonds of the Hydro-Electric Power Commission of Ontarto, Caranthes by the Province, of the par value of that amount, for all the assets, undertakings and property of every kind and nature belonging to Sandwich, Findsor and inherstburg Railway and the Windsor and Feounseh Blectric Bailway, or to which the said Companies, or either of them was entitled in connection with their or its business. After consultation with and at the urgent request of the municipalities interested. Sir Adem Book recommended the purchase on the terms mentioned.

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by-laws of the nine municipalities interested, authorizing the several municipal corporations to enter into and execute the agreement with the Commission, were submitted to the electors of the municipalities and carried in all

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except the Township of Insertion. Upon the passing of the by-laws the agreement referred to was executed by the Commission and the eight municipalities that had ratified it. The agreement is dated January 1st, 1920.

AGLICALIST TOR EVILUABLE CALCUTTION.

lath January, 1920, between Jetroit United Raciway as Verdor and the Hydro-Electric Power Josmission of Ontario as Purchaser and the two Railway Josephies as assenting parties, was settled and Companies by all the parties thereto.

ISSUE OF BOXDE.

In order to carry out the agreement the Jommission issued bonds to the amount of (2,100,000, of which (2,039,000 represented the price payable to the Vendor. The remaining bonds amounting to 361,000 were hypothecated with the Bank of Montreal as security for advances to provide for improvements and betterments of the railway. It is to be noted that at the time of the completion of the purchase Province of Ontario forty-year bonds were being sold to yield approximately 5.6%. This would make the actual cash value of the Commission's 420 bonds, guaranteed by the Province, approximately \$1.651,590.00.

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RAILEAY PROPERTY ACGUIRAD.

The railway property acquired by the Commission consisted of:

Approximately 45 miles of track inclusive of double track, switches, etc.

26 single-truck closed passenger cars

20 double-truck open passesser cars

1 single-truck open

10 doublo-truck closed "

1 private car

3 single-truck box cars

l double-truck baggage car equipped with notor

3 " plow and construction cars

2 double-truck slow and construction cars

1 single-truck line car.

The Commission also acquired the following built-

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In Windsor

Office and Freight Shed Car Nouse Paint Shop Repair Shop, Blacksmith Shop Carpenter Shop, Boiler Room and Engine Room

In Tooumsch

Waiting Room Section man's House

In Amherstburg

Waiting Room Small Preight Sheds.

The following equipment has since beer scrapped and the Superintendent of the Railway states that it has little or no salvage value:

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21 open passenger cars

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2 box cars

2 flat carp.

The remaining cars taken over by the Commission have been rebuilt or repaired and are stated to be in good operating condition.

The Commission up to October 1st, 1932, purchased the Collowing rolling stocks

6 second-hand souble-truck steel closed cars

6 wooden trailers

17 one-man single-truck safety onru

4 trackless trolley busses

4 double-truck one-man safety cars

1 double-truck baggage car with motor equipment

Details covering improvements made to the property by the Johnissian are shown on pages 14, 15, 15 and 17 of the report of Mesers. Price, saterhouse & Jo., already referred to.

APPRAISAL BY MNC INTERS OF COMMISSION.

The entire property taken over by the Commission was appraised by its entineers at +2,039,000, made up as follows:

Property

Tays and Structures Equipment Spare Equipment

Power and Light System in the City of Windsor

Intangibles

Bonds given for Property

Present Value

\$1,229,629.01 .96,968.79 10,290.65 61,447,068.48

190,000.00 \$1,637,088.48 401.911.88

\$2,039,000.00

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COMMISSION TO STATUTURY AUTHOLICY TO MIRCHARR.

At the time when these agreements were made and before the Hydro-Electric Asliway Act of 1920 was passed. there was no statutory authority for the acquisition by the Commission of these lines of railway.

Under the then existing law the Commission had the right to construct and equip, but not the right to purchase an existing railway or to acquire the stock of a railway company, and the action of the Jemmission in acquiring the railways referred to and their stock was without legal warrant or authoraty of the report to the Government.

Ar. S. T. Jlarkson, the revernment Auditor, questioned the legality of the action which the Commission had taken. At the Session of the Legislature in 1920, an Act was passed giving the Commission the right in the future to purchase railways and to acquire the stock of a railway company, and it confirmed at the same time the agreement between the Commission and Detroit United Railway.

The entering into agreements and the assuming of obligations without warrant or authority of law, but in the expectation that confirming legislation will be enacted, is a practice that has been frequently followed by the Jommission. It is a bad practice and should not be permitted. The action of the Legislature in continually validating such illegal acts of the Commission has tended to encourage the practice.

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outstanding Bonds.

there was upon the properties and assets of each of the companies a mortgage to secure bonds issued by the respective companies. The total of the bonds outstanding was \$769.000.

Under the terms of the purchase agreement these bonds were to be redeemed by the Vendor and, pending their retirement, bonds of the Commission to the amount of \$789.000 were retained out of the \$2,039.000 bonds to be given for the property and deposited with the Eatienal Trust Company to be held by it in escow and Do We delivered to the Vendor as and when the outstanding bonds of the companies were retired.

PURCHASE COMPLETED.

The purchase was completed on April 1st, 1920, and operations from that date were conducted by members and officers of the Commission who constituted the new Soards of Directors of the two companies.

Deportures to a total amount of \$2,100,000.80, apportioned as to their respective liabilities, were issued by the municipalities interested and deposited with the Commission. These municipal debentures corresponded in terms with the bonds issued by the Commission. As before

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 noted, the by-law was defeated in the Township of Anderdon. The propertion of the total of \$2,100,000.00, namely. \$143,536.00, which had been apportioned to the Township of Anderdon, was reapportioned amongst the other eight municipalities.

BONDS INSUED BY MURISIPALITIES.

The original debentures issued by the respective municipalities and deposited with the Josmission were as follows:

A ADDRESS AT DESCRIPTION OF ANY

Township of Sandwich Sast	2260.685
windsor COPY west	251,570
Indicate Vindsor COF I a New York	745,132
	64,582
Sandwich Sandwich	200,940
Anherstburg	126.567
Al rounk	44,515
· · · · · · · · · · · · · · · · · · ·	31.956.464

Those issued to make up the share of the Township of Anderdon were:

0348	Township of Township of Windsor		\$ 19. 18.	456
1111-	Ford City Walkerville		4.	738
	Sandwich Amhorstburg	A 罗瑟 學問一來 1 1.	19,	234
ફેમ્પર જી.	Ojibway and	, 86.6 . NO 4	3143.	266 536.

making a total of \$2,100,000.

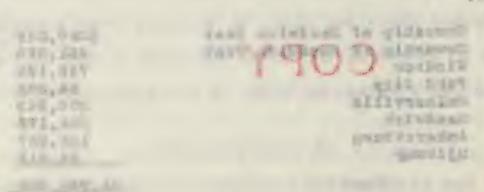
SLEOTRIO LIGHT ING SYSTEM.

Included in the assets of the railway companies was a local electric lighting system in the City of Windsor. As

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this lighting system was not of general benefit to the rail-way, and the City of Windsor desiring to acquire the system, it was sold to the Jity for \$190,000.00 of 45% bonds of the City, maturing April 1st, 1960.

REMARKATION.

A survey of improvements and extensions needed to most the demands of the community was undertaken by the Commission and rehabilitation of the railway system was commenced shortly after April 1st, 1920. During the first seven months, which ended October 51st, 1920, \$227.612.33 was spent on improvements. Of this amount \$200.030.00 was borrowed from the Sank of Montreal.

A complete survey having in the meantime been made to ascertain the extent and cost of necessary improvements, in June. 1921, the Commission sent a report thereon to the municipalities interested. Improvements at a total estimated cost of \$895,500.00 were recommended, this cost to be met by the issue and sale of bonds of the Commission, guaranteed by the Province, to the amount of \$900,000.00. The municipalities on their part were to issue their debentures for the same amount, apportioned amongst them on the same basis as had been the \$2,100,000.03 issue. The necessary by-laws to carry out the recommendation of the Commission and an Order-in-Council authorizing the guarantee by the Previous of the Commission's bonds of \$900,000.00 were passed. Frior to

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Province requested and obtained from Mesers. Markson,
Gordon & Dilworth a report on the system and the con-

The issue of \$900,000.00 of 6% forty-year bonds was made July 1st, 1921, and debentures of the same date and in similar terms to the Journasion's bonds were deposited with the Journasion. The bonds issued by each of the municipalities were as follows:

Township of Sandw		77
Toanmach		4.406
Hiverside COF	Y	10,300
Ford City		
Walkerville		141,500
Sandwich Ojibway		133,000
Amhorothurg	Carly to Brank Ga	
		\$ 900,000.

Owing to the high interest rates decanded at the time of issue, the Commission's bonds were not cold for some time, but a further loan of 3400,000.00 was obtained from the Bank of Sontreal on the pledge of \$440,000.00 par value of the bonds. Subsequently, owing to the reduction of interest rates, the whole of the \$900,000.00 issue was sold at a premium and realised \$974,025.00. The Sank loan of \$400,000.00 was paid off out of these proceeds.

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EXPRIDITURE OF BEHABILITATION.

of the Commission's bonds, and the \$100,00.00 previously borrowed, each to the amount of \$1,174,025.00 had been made available to the rails as for the purposes of rehabilitation.

The expensitures upon rehabilitation to also between 1922, were as follows:

Year ending October 31st, 1922 237,612.30
Year ending October 31st, 1922 237,340.88
Year ending October 31st, 1922 519,285.21

This amount does not include the sum of \$55,051.19 which had been invested Dr Vonstruction materials for the system as at october 31st, 1922, and which had not been used at that date.

was practically a 90 per cent. rehabilitation of the road.

The expenditure of \$1.034,238.39 approximately equals 65 per cent. of the cash purchase price. The expenditure on rehabilitation exceeded the estimated cost of same by \$140.658.59.

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SECTION OF ORLEGE W.

April 1st, 1920, to October 31st, 1922, including provision for renewals throughout, resulted in a net loss of \$84,507.57. A summary of the operations by pariods is as follows:

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THE RESERVE AND ADDRESS OF THE PARTY AND ADDRE The second secon The second of th

semplist on at saciant by an its amount of an amount

		Profit	The C. C. S.
Seven months ending Year ending October Year ending October	31, 1921	1920 \$22,078.29	\$55,636.37 50,949.29
			\$106,585.66 22,078.29
Net Loss	*, * * * * *		\$ 84,507.37

The net loss for the period from April 1st, 1920, to October 31, 1921, amounted to \$33,558.08. As provided in Sections 9 and 10 of the Hydro-Electric Railway Act, 1914, this operating loss was charged back on the books of the Commission to the municipalities interested in proportion to the debentures deposited by them with the Commission. The amount charged a rainst each one was as follows:

City of Windsor	***	\$12,780.81
Town of Bandwich	e contratt with a second	4,496.90
Town of Ford City	er komplet i de en	1,107.74
Town of Olibeay Town of Riverside Town of Tecumseh	\$1,207.20	, , , , , , , , , , , , , , , , , , , ,
Township of Sandwich Township of Sandwich	Bast 2,772.25	4,471.38
TOMBBILL OF NORMETON		And the state of t

The Hydro-Electric Railway Act provides that the Commission shall annually require the respective municipalities to pay the deficit, if any, and further provides that in the event of the failure of the municipalities to pay, the Commission "shall thereupon sell or otherwise dispose of so much of the debentures...as shall be necessary to supply such deficiency." But the Commission did not either receive the payment from the municipalities or sell the bonds and the deficit of \$35.558.08 continued as an outstanding liability.

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The net less for the period from April Lot, little of detabler of 1881, and in the provided in sections t and 10 of the Species of the provided in Sections t and 10 of the Spational desired in the books of the Combine of the manistral interested in proposition to the manistralities interested in proposition to the debastares deposited by them with the Commission. The

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WIFING OUT OF RESERVES FOR HERWALS.

The Commission held as of October 31, 1921, \$47,202.88 which stood to the credit of reserve for renewals. There was no obligation under the statute for the Commission to establish a renewal reserve fund and its coarse in establishing this fund was voluntary on its part. On December 13, 1922, more than a year after the renewal reserve had been accumulated, the following entry was made in the minutes of the Commission:

"The Chief Eagineer submitted a report on the rehabilitation of the Sandwich, Windsor and Amherstburg Railway and the Guelph Radial Railway, together with his recommendation as to the advisability of charging depreciation during the period of reconstruction and remabilitation on these roads, and after consideration the Board approved of the deferring of the depreciation charges until rehabilitation had been completed, which was estimated as of November 1, 1922. It was further instructed that no depreciation charges be set aside curing the periods of rehabilitation of any of the roads which may hereafter be acquired by the Commission."

entry to adjust the books. From the sum of \$47,202.88 standing to the credit of the Renewal Reserve, the sum of \$33,558.08 was taken and applied in payment of the balances due by the municipalities before mentioned, while the balance of the renewal reserve, amounting to \$13,644.80, was transferred to surplus, so that the deficit for the period ending Schoder 31, 1921, was wiped out and a surplus of \$13,644.80 took its place.

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Er. Caby, who recommended the action that was taken by the Jommission in respect of the Reserve for Renewals, says:

> "On November 1st. 1922, we practically had a new road for operation. We do not want to charge depreciation during the period of building a new road."

ir. Caby's argument is not accepted by our Accountants, Mesars. Price. Materhouse & Co., who, in referring to the action taken in this matter, say:

"This policy does not appear to be sound or in Resping with the general practice of the Commission in making renewal provisions even though the agreement covering the operation of the Railvey rece not obligate the Commis-sion to make enewly provisions."

The following is an extract from the evidence on the subject, given before us by Ar. A. B. Bonthron of the firm of Price. Waterhouse & Co.: ..

- "Tas the setting up of a renewal fund a proper and businesslike thing for the Commission to do?

A - "Yes, sir. A - "Was it proper for it to wipe out the renewal fund later and apply it to wiping out this deficit?

A - "Not in my opinion. No, sir."

we fully consur in the opinion expressed by Frice. Vaterhouse & Co. In order that an electric railway may be kept on a sound operating basis a reserve for renewals should be set up and carried on from year to year. There are probably few public utilities that depreciate more and in which the question of obsolescence of equipment enters more fully, then into electric railway properties.

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great, and obsolescence of rolling stock becomes so clear that further argument for maintenance of a renowal reserve seems unnecessary. The expenditures for rehabilitation up to the end of 1921, when the renewal reserve was established, were practically the came as they were for the following year when the renewal fund was wiped out.

by the Commission December 13, 1922, was to relieve the municipalities from immediate payment of operating losses, without lessening their ultimate liability, and at the same time it lessened the Carity for the Province for its guarantee of the Commission's bonds by the amount which had been charged to and would have been collected from the municipalities for losses on operations.

The non-collection from the municipal corporations of the deficit on operations, and the wiping out of this deficit by applying the reserve fund in payment of it when campaigns were being carried on in other municipalities in favor of proposed Hydro Radial Railways, would not unnaturally lead some to the conduction that the change was made in order that the fact of there having been a loss on operations might not adversely affect votes upon by-laws about to be taken in other municipalities, and also in order at the same time, to avoid adverse criticism by ratepayers of Windsor and the other interested municipalities.

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that no reserve for depreciation was set aside in 1922 and that the definit for the year which ended October 31, 1922, was 15.895.41. If this is paid out of the surplus of 113.644.30 standing on the books of the Commission as a result of the change mentioned, the surplus as of October 31, 1922, will be reduced to 17,749.33.

PROMISES AS 20 PARKS.

Sir Adam Seck in an address delivered by him at Windsor on November 24th, 1919, stated, as reported in the Border Cities' Mark DV

Fin a sense we have a very sure thing in acquiring the Dandwich, wisessr and Amberstourg Railway. It is a going o meern and we have acourate knowledge of its earning capacity. The Jompany has been very decent and has given us free access to the books. Consequently for the past two months, from day to day we have known exactly what the ravenue of the road has been ... The Hydro Commission after investigating the Company tells you that the System can be operated as a revenue producing concern at the old rate of six tickets for a quarter. Further, the Commission tells you that on the old rate, \$250,000 can be spent on extending and improving the lystem without the ratepayers being called upon to pay a single dollar of that in taxes."

When questioned as to this, wir idam been stated:

"I think that is all correct, but not anticipating the increased wages that we had to pay of thirty-odd per cent...."

on Bovember 24th, 1919, when Dir idam Beck gave the above mentioned address, the wages were fifty cents

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per hour, an increase from forty cents having been made prior thereto. The only increase in trainmen's wages since that date was one from fifty to fifty-five cents per hour-an increase of ten per cent., not thirty.

taken over remained in force until July 1st, 1921, when a straight five-cent fare was put into effect.

one in Way and another in August, 1922, and a transfer charge to these of one cent was made. On November 1st, 1922, this transfer charge for this transfer charge for the second and rates established of six cents drop fare, six tickets for thirty-five cents, and twenty tickets for a dollar. Hr. Saby states that the larger portion of the tickets sold was at the twenty-for-a-dollar rate. The reserve for unredeemed tickets had as of Slat October, 1921, been reduced from \$5.520.02 to \$1.000.00 by transferring \$4.520.02 to revenue for the fiscal year ending October Slat, 1921.

MO SINKING PUND ESTABLISHED.

Under the terms of the agreement between the Commission and the municipal corporations and in accordance
with the provisions of the Hydro-Dectric Asilway Jot, the
establishment of a sinking fund for the retirement of the
bonds of the Commission Quaranteed by the Province is
deferred until the expiration of ten years from April 1st,
1920.

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TAXAS.

The Sommissi n paid to the municipalities in taxes for the first seven months of operation 25,385.33, presumably a proportionate part of \$6,666.00 payable by the Railways for the year 1920. For the fiscal year ending October 31, 1921, taxes to the amount of \$4,603.02 were paid, and for the fiscal year ending Detaber 31, 1922, \$3,471.94, a total for the two years of \$7,974.96. On the basis of the 1920 rate of taxation the municipalities would have received \$13,332.00 for the two years, or an additional \$5,357.04.

The assessments made since the change of ownership have presumably been made on the assumption that Jection 12(a) of the Power Commission act is applicable. This Section provides that land owned and vested in the Commission chall be subject to assessment and taxation for municipal and school purposes at the actual value thereof, according to the average value of the land in the locality, and that buildings, machinary, works, structures, substructures, superstructures, rails, ties, poles and other property, works or improvements owned, used or controlled by the Commission shall continue to be exempt from assessment and taxation.

There is much to be said in favor of the contention that the law in respect of assessment and taxation applicable to privately owned electric railways should apply to publicly

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owned railway systems especially where, as in the present case, the road is located in a number of municipalities with largely varying values in each. If this practice were followed municipalities would thereby be enabled to better determine their position as compared with operation under private ownership, and other municipal corporations would have more complete information when considering the expediency of undertaking similar enterprises. The non-collection by the Province in this case of a Corporation lax deprives the Province of revenue which it is or should be entitled to the revenue which it is or or against the municipal taxation of the railway, there is no sound reason for the Province foregoing its right to tax it.

REPAIRS TO ROADWAYS.

and Detroit United Railway the Company was required to pave the roadway between its tracks and for a certain distance on each side. The Commission is free from such an obligation, and in 1922 the City of Windsor paid to the Commission \$71.158.08 for paving the street between the car tracks and for one foot on each side.

INSUMANCE.

The Commission paid for the following amounts for insurance to October Slat, 1922:

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Seven mont	ho ending	October 31	, 1920	014,495.52
Year ending	g October	31, 1921		26,482.37
Year ending	1427			34,564.17
			the souther to also	e ·
	Total			\$65,542.06

A certain proportion of these payments was for unexpired insurance at the end of each fiscal year and which on October 31, 1920, was \$2,800.24, and on October 31, 1921, \$3,411.64. The properties insured and the proximate amount of insurance carried is as follows:

Fire insurance on buildings and office furniture (including plate glass)	\$240,000.00
Burglary. Hessenger pot Office Robbery	20,000.00
Fire Insurance on rolling stock	525,000.00
Fire insurance on car barns, distri- bution station and river house	180,000.00
Insurance against bodily injury, in- cluding death, to public and con-	
Maximum to one person and a new man	5,000.00
from one accident	10,000.00
Insurance against damage to public property - a maximum of property	1,000.00

ORNERAL AND MISCRECARE HAS RAPERSED.

In the General and Miscellaneous Expenses charged to the Operating Account, the following appear:

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THE R. P. LEWIS CO., LANSING, MICH. LAST CO., LANSING, MICH.

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the position of the second of	7 months ending Oct. 31, 1920	Year ending Oct. 31,1921
Salaries and expenses of General Officers		√6,627.62
Salaries and Expenses of Ceneral Office Clerks	6.408.30	11,595.12
General Office Supplies and	1,609.69	1,479.13

VALUATION AND OTHER EXPERSE.

Deferred debits for "Valuation and other Expenses re purchase of Railways" were shown on the Balance Sheets as of October 31, 1920, and October 31, 1921, as 14,184.94 and w13,913.75 respectively. Valuation and other expenses in connection with the purchase of the railway, consisting of engineering, accounting and legal expenses, together with the cost of printing bonds issued by the Commission and debentures issued by the municipalities, amounted to 117,392.19, which is being written off at the rate of 10% per annum.

SERVICE.

NAME AND POST OF TAXABLE PARTY.

Many of the witnesses, testifying before us, complained of the service provided under the present management,
the chief cause of complaint being the normalintenance of
time schedules and consequent inefficiency of service from
bunching of cars. On the other hand, it was pointed out
that the operation of the system was hampered during the
period of rehabilitation. I number, while complaining of
the present service, stated that it was setter than under

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the former management. The operation of one-man cars and trackless trolleys is viewed with disfavor by many.

Eagor Wilson of Windsor said that the service is satisfactory except at rush hours, and he added:

"... There is one thing you must realise: This is a growing community and the population is growing very rapidly and therefore maybe six months ago you might have a good service and in another two months a lot of people ceme in and they might still demand more improvements."

Some other residents of the screer Cities did not take so favorable a view. Former Layor Tuson of Sindsor said that he had

"...the hindliest feelings for the Hydro but I want to say that in the southeastern part of our City we are ten years behind in transportation matters..."

Alderman Atrong of Aindsor said that trackless trolleys did not relieve the situation and that

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"in my opinion it takes too long to get what should be taken care of in a few days."

Nayor McKee of Sandwich said:

"The service in our town is not good....there seem to be plenty of cars but they are not properly distributed; they run in canches. That is the biggest trouble with the patrons of the cars. The one-man car is not suitable at all for the traffic on that line.....

"sendwich people are entisfied with their bargain if they get better service."

Or. P. S. Sardner, Chairman of the Transportation Committee for Ford City, said:

remarked the resolvent to be because the best of the com-

"Right now I want it clearly understood that Ford City is absolutely diseatisfied with its

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service....the present service is now in the interest of sindsor, talkerville and handwich because the people will not live in Ford; they will come here (Windsor) to get service."

Mr. J. M. Goburn, R.J., of Walkerville, said:

"I think the service is vastly in need of improvement. I think we should have a more frequent service than we have from Walkerville... very irregular and very unsatisfactory....

"...it takes longer to get from Windsor to Walzerville than it did before and it takes longer to get back......

the manny we are paying and I think it is a matter that could be very readily righted by proper supervision."

A number complained of delay in getting things done owing to the distance from Toronto where the management is centered. Br. Edward Blake Finter of Windsor said:

RED TARE.

"I do not believe the local representative has authority.....

Mr. M. A. Brian, City Engineer of Windsor, said:

"I find that there is too much circumlocution in getting a thing done with the Hydro. I think it is due to a great extent to red tape..."

JOINT COMMITTEE SUGGESTED.

There is probably no transportation system that gives universal satisfaction, and the difficulties in operating the electric roads in question are doubtless increased through the rapid growth of population in certain sections. At the same time there is no doubt room for substantial improvement. Many of those who

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Mr. W. L. Brinn, ofth vacines of Findroce boild:

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that a Joint Transportation Committee be formed from all the municipal Councils interested in the railway, such Committee to hear complaints of those using the road and bring such complaints, questions of general policy, of administration and the views of the ratepayers generally on means and methods of increasing the efficiency and use of the railway and decreasing the cost of operation before the Commission. To hope that effect will be given to the suggestion and the beneficial owners of the undertaking brought into closer and more harmonious touch with the Commission, so long as that body administers the business and affairs of the trailways.

The municipalities and the public using the road should be kept fully informed of the financial condition of the undertaking and of all phases of operation. If the Commission were to sublish weekly or monthly reports of operation and state therein what it is endeavoring to do to increase efficiency and avoid waste, it might secure a large measure of public co-operation.

The Commission labors under the disadvantage, and must always labor under the disadvantage, of being far away from the Border Cities. No absentee management and control can bring about the proper spirit of co-operation between the local managers, the employees and the public.

CONGLUSIONS AND RECOMMENDATIONS.

Our conclusions and recommendations on the facts brought before and considered by us are as follows:

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of the undertained and of all phases of operations. If the Commission were the continue of the

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- engineering, accounting and other expenses, prior to the agreement, and which have been capitalized and a portion of which is being written off each year, were made out of the general funds of the Commission without any ap, ropriation therefor by the Legislature and without legal warrant or authority.
- The acquisition by the Commission of the shares 2 . of the capital stock of Sandwich, Sindsor and laherstburg Railway and the agreement to purchase the assets and properties of that Railway and of the Windsor and Tecuaseh Slectric Railway and proceedings in connection therewith were during the period preceding June 4th. 1920, when the Mydro-Radial Act of that year was enacted, without legal warrant or authority and entirely ultra vires, there being until June 4th, 1920, no statutory power or authority in the Commission to acquire a railway or shares in a railway. Assuming obligations and adopting procedure without legal authority but in the expectation that legislation will be enacted confirming what has been done, should not be permitted. The question as to whether or not it is advisable for the Commission to construct. purchase or operate railways will be dealt with by us in a THE DESCRIPTION OF THE PROPERTY OF THE later report.
- z. Section 6(b) of the Fower Commission act, relating to the establishment of a general fund of all moneys received by the Commission, and Section 12(a) of the same Act, relating to assessment and taxation, are

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interpreted by the Commission as applicable to manays and taxes of Mydro-Radial Mailways. The contention of the Commission has been questioned by the Covernment Additor of the accounts of the Commission, and we are advised that it is not well founded in law. Aside from the question of law there seems to us to be good reason for keeping the manays of the Radial-Railway Lystem entirely separate and distinct from the general funds of the Commission held by it under the Power Commission Act.

- d. Sir Adam Seck stated to us that the price poid Detroit United Rallwo pay have been excessive. The price paid, however, was the levest the Venders would accept and the municipalities interested agreed to pay the price. The read is now of undoubted excellence of construction. The increased efficiency of service, which should result from the large capital expenditure made for improvements, has not as yet been fully attained.
- 5. The Commission has issued bonds in respect of this undertaking to the extent of \$3,000,000, divided into bonds for \$2,100,000 running for forty years and bearing interest at 4g per cent. and bonds for \$900,000 slso running for forty years and bearing interest at 6 per cent. Payment of all these bonds is guaranteed by the Province of Ontario.
- population in the localities leads as to the conclusion

interpretak by the Countries in the action of the bit the between and Law AV COLUMN TOWN ASSESSMENT TO THE WARRY BY THESE WILLIAM TO SERVICE AND THE PART OF THE PAR ALT THE RESIDENCE OF THE CONTRACT OF THE OWNER, AND THE to self some the sold sold and low of the execting of AND ADDRESS THE OWNERS NAMED IN SEC. OF SEC. AND ADDRESS OFFICE AND moneye of the ladick-halleny cyather emily the term 15 makes the Dayer Committee of THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER, THE PERSON NAMED IN ANTIONSONS NASS STAFF AND MARKET PARTY AND AND ADDRESS OF THE PARTY ADDRESS OF THE PARTY ADDRESS OF THE PARTY AND ADDRESS OF THE PARTY ADDRESS OF THE PARTY ADDRESS OF THE PARTY ADDRESS OF THE P - Colfordina to sentiment by the size in the state in like a THE PARTY OF THE P the continued by the continued of the co The Thorne of court breaks one probably per all contains to the antent of our police of the state Buttered but acreed described and surfaces. anto del des des acos med posses des este de sus com contra THE REAL PROPERTY AND THE PARTY AND THE PARTY AND THE PARTY. sections and yet because at about on ... -SECURET BA SERBETTED SERVICES IN THE PROJECT OF SERVICE AND ADDRESS OF THE PERSON O

pupilization in the County of the county of

that with efficient and economical administration the railways should pay their way. A reduction of Head Office administration expenses (.29.666.31 for the fiscal year ending October 51, 1921) should be made.

- The establishment of a renewal fund by the Commission was proper and necessary. There are few public utilities that depreciate more and are effected by obsolescence to a greater extent than electric railway properties. The fund should have been maintained and not used to wipe out operating deficits. The action taken by the Commission was contained by the principles of sound accounting and lessened the security that the Province had for the bonds that it gave.
- the system by the Johnission were a cash fare of five cents or six tickets for twenty-five cents. The rates now are six tickets for thirty-five cents or twenty tickets for one dollar. The rates now charged are higher than those that the Johnission led the residents of the districts served to expect in the event of the Johnission taking the system over.
 - 9. There is no sound reason why the two railways in question should be exempted from payment of the Provincial tax. If unser the existing law they are entitled to this exemption, the law should be amended.

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- large and the Commission might well secure expert advice on the subject of insurance with the view of ascertaining whether or not a substantial reduction of premiums might not be secured.
- directly interested in the railways, and which would be a medium for conveying to the Commission the views of the municipalities and ratepayers on all questions of operation and administration, might well be formed. Full information as to the financial condition of the undertaking and all phases of operation should be published regularly.
- 12. Reconstruction is now completed, and in our opinion a more complete degree of co-operation between the management and the public would be secured, and a service more satisfactory to the public would be given, if the rail-way were under local control.

DATED AT TORONTO, APRIL 13TH, 1923

(Signed) W. D. Gregory, Chairman

M. J. Haney

Lloyd Harris

J. A. Ross

R. A. Ross

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(Signed) W. D. Gragery, Chairman

H. J. Haney

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